



Entered on Docket
January 31, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

* * * * *

In re)	BK-06-10725-LBR
)	Chapter 11
USA COMMERCIAL MORTGAGE CO.,)	Settlement Conference
)	Date: March 3, 2008
)	Time: 9:30 a.m.
)	Status
)	Date: March 25, 2008
)	Time: 9:30 a.m.
<u>Debtor.</u>)	

AMENDED ORDER SCHEDULING SETTLEMENT CONFERENCE

A settlement conference on the Objection to Claim #1366 of Los Valles Golf & Land, LLC is hereby ordered to commence on March 3, 2008 at 9:30 a.m. before U.S. Bankruptcy Judge Bruce Markell at the Foley Federal Building, 300 Las Vegas Blvd. South, 3rd Floor, Las Vegas, Nevada.

All counsel of record that will be participating in the trial of this case, all parties appearing pro se, if any, and all individual parties must be present.

In the case of non-individual parties, counsel shall arrange for a representative, with binding authority to settle, to be present in court for the duration of the settlement conference. **A n y requested exception to the attendance requirements must be submitted to the settlement conference judge for approval in advance of the settlement conference.**

PREPARATION FOR SETTLEMENT CONFERENCE

No later than seven business days before the settlement conference, the parties shall

1 *exchange written settlement offers.* No later than four business days before the settlement
2 conference each party shall submit a confidential settlement conference statement, *which will*
3 *include a copy of the last settlement offer,* to the chambers of Judge Markell for in camera review
4 by the settlement conference judge. If not timely filed, sanctions may be imposed. The settlement
5 conference statement shall be no longer than 5 double-spaced pages. The settlement conference
6 statement shall contain the following:

- 7 1. A brief statement of the nature of the action.
- 8 2. A concise summary of the evidence that supports your theory of the case, including
9 information documenting your damages claims. You may attach to your statement a limited number
10 of documents or exhibits that are especially relevant to key factual or legal issues.
- 11 3. A brief analysis of the key issues involved in the litigation.
- 12 4. A discussion of the strongest points in your case, both legal and factual, and a frank
13 discussion of the weakest points as well. The court expects you to present a candid evaluation of
14 the merits of your case.
- 15 5. A further discussion of the strongest and weakest points in your opponents' case, but
16 only if they are more than simply the converse of the weakest and strongest points in your case.
- 17 6. A history of settlement discussions, if any, which details the demands and offers
18 which have been made, and the reasons they have been rejected.
- 19 7. The settlement proposal that you believe would be fair.
- 20 8. The settlement proposal that you would honestly be willing to make in order to
21 conclude this matter and stop the expense of litigation.

22 The settlement conference statement should be delivered to chambers in an envelope clearly
23 marked "Contains Confidential Settlement Brief" or faxed to the settlement conference judge.

24 The purpose of the settlement conference statement is to assist the judge in preparing for and
25 conducting the settlement conference. In order to facilitate a meaningful conference, your utmost
26 candor in responding to all of the above listed questions is required. The confidentiality of each
27

statement will be strictly maintained and following the conference, the statements will be destroyed.

DO NOT SERVE A COPY ON OPPOSING COUNSEL. DO NOT DELIVER OR MAIL
THE STATEMENT TO THE CLERK'S OFFICE.

**The settlement conference shall not be continued or vacated without prior approval
of the judge assigned to the case.**

FAILURE TO APPEAR WILL RESULT IN THE IMPOSITION OF SANCTIONS. IF THE
MATTER IS SETTLED BEFORE THE SETTLEMENT CONFERENCE DATE, THE PARTIES
MUST NOTIFY THE SETTLEMENT CONFERENCE JUDGE'S CALENDAR CLERK SO
THAT THE MATTER CAN BE TAKEN OFF CALENDAR.

A status hearing will be held on March 25, 2008 at 9:30 a.m. before Judge Riegle in
Courtroom #1.

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